

REMARKS

Applicant has carefully reviewed the Official Action dated November 13, 2008 for the above identified patent application.

At page 2, second paragraph, of the Official Action, Claim 5 has been rejected under 35 USC Section 112, first paragraph, on the grounds that although the claim recites that a gap between the rollers can be varied, the Specification, at page 5, lines 6-8, states that the angle of the rollers can be adjusted. The Examiner then concludes that one of ordinary skill in the relevant art would not construe that varying an angle of the roller would inherently vary a gap between the rollers as well.

In response to this rejection, the Specification has been amended to recite that the gap between the rollers, as well as the angle of the rollers, can be adjusted. This revision to the Specification is supported by Claim 5 as originally filed with this patent application. Original claims constitute original disclosure to a patent application, and therefore the Specification can be amended to expressly recite features of the invention recited in the original claims, without added new matter to the patent application.

Applicant respectfully submits that the amendment to the Specification made herein, overcomes the rejection of Claim 5 on the grounds that it fails to comply with the written requirement. Applicant respectfully requests that the rejection be reconsidered and withdrawn in view of the amendment to the Specification made herein.

Starting at the last paragraph of page 2 of the Official Action continuing through page 4 of the Official Action, Claims 1-3 have been rejected as being anticipated by U.S. Patent No. 7, 107, 807.

At page 4 of the Official Action, Claims 4-8 and 13-18 have been rejected as being obvious over a combination of U.S. Patent No. 7,107, 807 and published U.S. Patent Application US 2004/0244453.

Claims 1-8 and 13-18 are currently pending in this application, and Claims 9-12 and 19 have been withdrawn from consideration. Claim 1 is the only pending Independent claim. Accordingly, for the purpose of simplifying the issues, the prior art rejection of the pending claims will be argued only with respect to Independent Claim 1. If this claim is allowed, the remaining pending dependent claims will be allowable, at least for the same reasons as their parent Independent Claim 1.

As noted above, Independent Claim 1 has been rejected as being anticipated by U.S. Patent No. 7, 107, 807. Applicant respectfully disagrees with this basis for rejection. Independent Claim 1 expressly and positively recites that the claimed method includes the steps of: 1). controlling the roll-forming units for forming a first corner to each side of the center of said metal strip in a first roll-forming section of said production line, and 2). controlling the roll-forming units to form a second corner to each side of the center of said metal strip between said first corners, after said first corners after said first corners have been formed. Thus, Independent method Claim 1 expressly recites the steps of forming first corners, and thereafter, only after the first corners have been formed, forming second corners between the first formed corners. See, for example, page 10, second paragraph of the Amendment filed on July 7, 2008. The advantages of forming the corners in separate, sequential steps in accordance with the method defined by Independent Claim 1 includes more efficiently shaping the profile, and more efficiently varying the height of the sides of the formed profile.

Contrary to the method defined by Independent Claim 1 and disclosed by Applicant, U.S. Patent No. 7, 107, 807 does not teach (or suggest) forming the second corners between the first corners, only after the first corners have been formed. The portions of U.S. Patent No. 7, 107, 807 referred to page 3, first paragraph of the Official Action, in support of the rejection of Independent Claim 1, do not disclose that first and second corners are formed in separate, sequential steps, and that the second corners are formed between the first corners only after the formation of the first corners has been completed. On the contrary, Applicant respectfully submits that the disclosure of U.S. Patent 7, 107, 807 can only be interpreted as teaching a method in which sides 25, 26 and their edges 27, 28 are formed simultaneously during the same step. See, for example, column 2, lines 30-40 and lines 47-49 of the Specification of U.S. Patent No. 7, 107, 807. There is no teaching, recognition, or suggestion in U.S. Patent No. 7, 107, 807 that second corners disposed between first corners are formed in a separate, sequential step, only after the first corners have been formed, as expressly recited in Independent Method Claim 1.

It is well established that a rejection of a claim as being anticipated by a prior art reference requires the Patent and Trademark Office to establish a strict identity of invention between a single applied prior art reference and the rejected claim. Stated in other words, a rejection of a claim as being anticipated by a prior art reference is improper unless a single applied prior art reference discloses all features of the claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed Cir 1983).

In the present patent application, Applicant respectfully submits that there is clearly no strict identity of invention between the disclosure of U.S. Patent No. 7, 107, 807, either expressly or inherently, because the applied prior art reference does not disclose (or suggest) forming second

corners between first corners in a separate, sequential step, only after the first corners have been formed, as expressly and positively recited as two separate steps in Independent Method Claim 1.

Applicant respectfully submits that Independent Claim 1 is in condition for allowance. The remaining pending dependent claims, which each depend directly or indirectly from parent Independent Claim 1 and include all features of that claim, are allowable, at least for the same reasons as Independent Claim 1.

Applicant respectfully submits that the present patent application is in condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'm p stone', written in a cursive style.

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